

ASSEMBLY, No. 936

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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SYNOPSIS

Authorizes DOT and historic entities to accept gifts and grants for purchase and erection of historic markers and signs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



(Sponsorship Updated As Of: 8/25/2020)

1 AN ACT concerning historic markers and amending various parts of
2 the statutory law.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 4 of P.L.2009, c.264 (C.18A:73-25.8) is amended to
8 read as follows:

9 4. a. The New Jersey Historical Commission, within the limits
10 of funds appropriated therefor or otherwise made available to it,
11 may (1) commence the roadside marker program as soon as may be
12 practicable, and (2) take any administrative or personnel action as
13 may be necessary to implement the provisions of this act.

14 b. The commission shall be authorized to raise funds, through
15 direct solicitation or other fundraising events, alone or with other
16 groups, and may accept gifts, grants and bequests from individuals,
17 corporations, foundations, governmental agencies, public and
18 private organizations, and institutions, to defray the commission's
19 administrative expenses and to carry out its purposes as set forth in
20 this act , including for the purpose of purchasing and erecting a
21 roadside marker, and may coordinate with the Department of
22 Transportation, pursuant to subsection (n) of section 5 of P.L.1966,
23 c.301 (C.27:1A-5). The funds, gifts, grants, or bequests received
24 pursuant to this subsection shall be deposited into an account in the
25 Department of the Treasury and allocated and annually appropriated
26 to the Department of State to defray the commission's
27 administrative expenses in connection with implementing this act
28 and to accomplish the goals and purposes set forth in this act.

29 (cf: P.L.2009, c.264, s.4)

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31 2. Section 5 of P.L.1966, c.301 (C.27:1A-5) is amended to read
32 as follows:

33 5. The commissioner, as head of the department, shall have all
34 of the functions, powers and duties heretofore vested in the State
35 Highway Commissioner and shall, in addition to the functions,
36 powers and duties vested **[in him]** therein by **[this act]** P.L.1966,
37 c.301 (C.27:1A-1 et seq.) or by any other law:

38 (a) Develop and maintain a comprehensive master plan for all
39 modes of transportation development, with special emphasis on
40 public transportation. Such plan shall be revised and updated at
41 least every five years;

42 (b) Develop and promote programs to foster efficient and
43 economical transportation services in the State;

44 (c) Prepare plans for the preservation, improvement and
45 expansion of the public transportation system, with special

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

- 1 emphasis on the coordination of transit modes and the use of rail
2 rights of way, highways and public streets for public transportation
3 purposes;
- 4 (d) Enter into contracts with the New Jersey Transit Corporation
5 for the provision and improvement of public transportation services;
- 6 (e) Coordinate the transportation activities of the department
7 with those of other public agencies and authorities;
- 8 (f) Cooperate with interstate commissions and authorities, State
9 departments, councils, commissions and other State agencies, with
10 appropriate federal agencies, and with interested private individuals
11 and organizations in the coordination of plans and policies for the
12 development of air commerce and air facilities;
- 13 (g) Make an annual report to the Governor and the Legislature
14 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1) on the
15 department's operations, and render **[such]** any other reports as the
16 Governor shall from time to time request or as may be required by
17 law;
- 18 (h) Promulgate regulations providing for the charging of and
19 setting the amount of fees for certain services performed by and
20 permits issued by the department, including but not limited to the
21 following:
- 22 (1) Providing copies of documents prepared by or in the custody
23 of the department;
- 24 (2) Aeronautics permits;
- 25 (3) Right-of-way permits; and
- 26 (4) Traffic signal control systems;
- 27 (i) Develop and promote programs for the preservation,
28 improvement and expansion of freight railroads, with special
29 emphasis on the use of rail rights of way for the purpose of
30 providing rail freight service;
- 31 (j) Develop and promote a program to ensure the safety and
32 continued operation of aviation facilities in New Jersey;
- 33 (k) Enter into agreements with a public or private entity or
34 consortia thereof to provide for the development of demonstration
35 projects through the use of public-private partnerships pursuant to
36 sections 1 through 9 of P.L.1997, c.136 (C.27:1D-1 through
37 C.27:1D-9);
- 38 (l) Do any and all things necessary, convenient or desirable to
39 effectuate the purposes of P.L.1966, c.301 (C.27:1A-1 et seq.) and
40 to exercise the powers given and granted in that act; **[and]**
- 41 (m) Enter into agreements or contracts with a private entity and
42 charge and collect fees or other payments for the placement of
43 sponsorship acknowledgment and advertising on signs, equipment,
44 materials, and vehicles used for a safety service patrol or emergency
45 service patrol program operated by the department, or operated by a
46 private entity under contract with the department or through the use
47 of a public-private partnership or demonstration project ; and

1 (n) Accept and expend, in cooperation with the New Jersey
2 Historical Commission, the Historic Sites Council, or any other
3 entity as appropriate pursuant to P.L. , c. (C.) (pending before
4 the Legislature as this bill), any gift or grant towards the purchase,
5 erection, and maintenance of an historic marker, a roadside marker,
6 or a sign or other marker identifying the significance and
7 archaeological, cultural, historic, recreational, or scenic value of a
8 site.

9 (cf: P.L.2011, c.133, s.1)

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11 3. Section 3 of P.L.2009, c.245 (C.27:5K-3) is amended to read
12 as follows:

13 3. a. There is hereby established a "New Jersey Scenic and
14 Historic Highways Program" to be administered by the
15 commissioner in accordance with the provisions of this act. The
16 program is established to encourage the State and counties and
17 municipalities throughout the State to preserve the unique and
18 intrinsic qualities of roadways deemed to have scenic, historic,
19 recreational, cultural, or archaeological value.

20 b. Any roadway in this State, including the surrounding area
21 thereof, which has scenic, historic, recreational, cultural, or
22 archaeological value may be designated through an act of the
23 Legislature for inclusion in the program.

24 c. Once a roadway has been designated for inclusion in the
25 program, the department and all other public entities with
26 jurisdiction over the roadway or the surrounding area are
27 encouraged to preserve and promote the scenic, historic,
28 recreational, cultural, or archaeological qualities, or any
29 combination of the foregoing, that served as the basis for the
30 roadway's inclusion in the program. The department and public
31 entities with jurisdiction over a roadway which has been included in
32 the program are encouraged not to make any physical changes to
33 the roadway, or its surrounding area, that would degrade any of its
34 scenic, historic, recreational, cultural, or archaeological qualities.
35 The preservation and promotion of a roadway that has been
36 designated for inclusion in the program shall include, but not be
37 limited to, the following activities:

38 (1) Making safety improvements to the roadway to the extent
39 that **【such】** any improvements are necessary to accommodate
40 increased traffic and changes in the types of vehicles using the
41 roadway due to its inclusion in the program;

42 (2) Constructing rest areas, turnouts, highway shoulder
43 improvements, passing lanes, overlooks, interpretive facilities, and
44 other facilities for use by pedestrians and bicyclists along the
45 roadway;

46 (3) Making improvements that will enhance access to
47 recreational areas in the vicinity of the roadway;

1 (4) Protecting scenic, historical, recreational, cultural, and
2 archaeological resources in areas adjacent to the roadway; and

3 (5) Developing and promoting tourist information to the public,
4 including interpretive information about the program and the
5 specific roadways that have been designated for inclusion in the
6 program , through the use of signs or other means.

7 (cf: P.L.2009, c.245, s.3)

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9 4. Section 5 of P.L.2009, c.245 (C.27:5K-5) is amended to read
10 as follows:

11 5. The department or any other public entity with jurisdiction
12 over a roadway which has been designated for inclusion in the
13 program may erect signs along the roadway indicating that it has
14 been granted such a designation. A public entity may coordinate
15 with the Department of Transportation, pursuant to subsection (n)
16 of section 5 of P.L.1966, c.301 (C.27:1A-5), for the purpose of
17 purchasing and erecting any sign.

18 (cf: P.L.2009, c.245, s.5)

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20 5. R.S.28:1-7 is amended to read as follows:

21 28:1-7. The commission may erect and maintain markers of
22 appropriate design and material along the highways of the state to
23 commemorate events, places and persons of importance in the
24 history of the state. It may adopt and, from time to time, in its
25 discretion, change the design for **[such]** the markers, and may
26 contract for their purchase and erection through competitive
27 bidding. The commission may enter into an agreement with any
28 state agency for services in connection with the manufacture,
29 erection, location and care of the markers , and may coordinate with
30 the Department of Transportation, pursuant to subsection (n) of
31 section 5 of P.L.1966, c.301 (C.27:1A-5), for the purpose of
32 purchasing, erecting, and maintaining any marker pursuant to this
33 section.

34 (cf: R.S.28:1-7)

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36 6. Section 7 of P.L.1979, c.59 (C.40:10A-7) is amended to read
37 as follows:

38 7. A local historian shall have the following powers and
39 responsibilities, except as otherwise provided in the ordinance or
40 resolution creating the position:

41 a. To carry out an historical program, including but not
42 restricted to collecting, preserving and making available materials
43 relating to the history of the local unit. The historian shall store
44 **[such]** the materials in **[such]** a manner as to **[insure]** ensure their
45 preservation, and shall notify the State Archivist, New Jersey
46 Historical Commission, county local historian and local governing
47 body of any materials which should be acquired for preservation.
48 Upon leaving the position, the local historian shall turn over all

1 materials and records and reports into the possession of the
2 successor, if then appointed, or to the governing body until a
3 successor shall be appointed;

4 b. The local historian shall make an annual report to the chief
5 executive officer and governing body of the local unit stating all the
6 work performed and accomplished during that year. The local
7 historian shall transmit a copy of such report to the New Jersey
8 Historical Commission. The New Jersey Historical Commission
9 may advise each county historian and municipal historian of general
10 guidelines along which their historical program may be
11 implemented;

12 c. The local historian may research, write and cause to have
13 published a county or municipal history, and may recommend
14 appropriate historical materials for publication;

15 d. The local historian may assist a landmark commission, as
16 well as advise the governing body, concerning the acquisition,
17 administration, use and disposition of any landmark, or historic site,
18 including **【such】** any places **【in his】** under the local historian's
19 jurisdiction included on the New Jersey Register of Historic Places.
20 **【Such advice may be furnished】** The local historian may furnish
21 any advice to the Historic Sites Section, Department of
22 Environmental Protection; and

23 e. The local historian shall assist in projects of
24 commemoration, including the erection of monuments, historic
25 markers and guide signs. A local historian may coordinate with the
26 Department of Transportation, pursuant to subsection (n) of section
27 5 of P.L.1966, c.301 (C.27:1A-5), for the purpose of purchasing,
28 erecting, and maintaining any historic marker or guide sign.
29 (cf: P.L.1979, c.59, s.7)

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31 7. This act shall take effect immediately.

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STATEMENT

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36 This bill authorizes the Commissioner of Transportation (DOT)
37 to accept and expend, in cooperation with the New Jersey Historical
38 Commission ("commission"), the Historic Sites Council, or any
39 other entity as appropriate, any gift or grant towards the purchase,
40 erection, and maintenance of an historic marker, a roadside marker,
41 or a sign or other marker identifying the significance and
42 archaeological, cultural, historic, recreational, or scenic value of a
43 site.

44 Under current law, the commission is authorized to raise funds
45 and accept gifts or grants towards its roadside marker program.
46 This bill clarifies that those funds and gifts may be used for the
47 purpose of purchasing and erecting a roadside marker, and that the
48 commission may coordinate with the DOT for those purposes. The

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1 bill provides that the Historic Sites Council may coordinate with the
2 DOT for the purchase, erection, and maintenance of any marker
3 along a highway.

4 The bill further clarifies that any other public entity with
5 jurisdiction over a roadway designated for inclusion in the “New
6 Jersey Scenic and Historic Highways Program” may coordinate
7 with the DOT for the purpose of purchasing and erecting any sign.

8 Finally, the bill amends existing law to authorize a local
9 historian to coordinate with the DOT for the purpose of purchasing,
10 erecting, and maintaining any historic marker or guide sign.